

**SUBCHAPTER O : LAND DISPOSAL RESTRICTIONS**

**§335.431**

**Effective March 22, 1995**

**§335.431. Purpose, Scope, and Applicability.**

(a) Purpose. The purpose of this subchapter is to identify hazardous wastes that are restricted from land disposal and define those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(b) Scope and Applicability.

(1) Except as provided in paragraph (2) of this subsection, the requirements of this subchapter apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.

(2) The requirements of this subchapter do not apply to any entity that is either specifically excluded from coverage by this subchapter or would be excluded from the coverage of 40 Code of Federal Regulations (CFR), Part 268 by 40 CFR, Part 261, if those parts applied.

(c) Adoption by Reference.

(1) Except as provided in paragraph (2) of this subsection, and subject to the changes indicated in subsection (d) of this section, the regulations contained in 40 CFR, Part 268, as amended through January 3, 1995, in 60 FedReg 242 are adopted by reference.

(2) The following sections of 40 CFR, Part 268 are excluded from the sections adopted in paragraph (1) of this subsection: §§268.5, 268.6, 268.7(a)(10), 268.10-13, 268.42(b), and 268.44.

(3) Appendices I-X of 40 CFR, Part 268 are adopted by reference as amended through January 3, 1995, in 60 FedReg 242.

(d) Changes to Adopted Parts. The parts of the CFR that are adopted by reference in subsection (c) of this section are changed as follows:

(1) the words "Administrator" or "Regional Administrator" are changed to "Executive Director;"

(2) the word "treatment" is changed to "processing;"

(3) the words "Federal Register," when they appear in the text of the regulation, are changed to "Texas Register;"

(4) in §§268.7 (a)(6) and (a)(7), the applicable definition of hazardous waste and solid waste is the one that is set out in 30 TAC Chapter 335 rather than the definition of hazardous waste and solid waste that is set out in 40 CFR, Part 261.

(5) In §268.50(a)(1), the citation to "§262.34" is changed to "§335.69."

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